

ORIGINAL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

JONATHAN NOWITZKI,  
PLAINTIFF

**3-12CV2049-M**

CASE NO.

v.

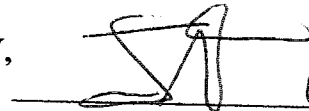
MARK CUBAN, D/B/A OWNER NATIONAL  
BASKETBALL ASSOCIATION'S DALLAS  
MAVERICKS,  
DEFENDANT

PRELIMINARY INJUNCTION  
TEMPORARY RESTRAINING ORDER

COMES NOW, THE PLAINTIFF, JONATHAN NOWITZKI, MOVES THIS HONORABLE COURT TO ISSUE AN ORDER FOR THE DEFENDANT IN THIS SUIT TO RESPOND. PLAINTIFF FACES IMMINENT DANGER AND BODILY HARM FROM THE DEFENDANT MARK CUBAN, WHO IS OWNER OF THE NBA DALLAS MAVERICKS. PLAINTIFF SEEKS A RESTRAINING ORDER AGAINST MARK CUBAN. MY NAME IS JONATHAN NOWITZKI, AND I'M THE YOUNGER BROTHER OF DALLAS MAVERICKS BASKETBALL STAR DIRK NOWITZKI. I CURRENTLY LIVE IN WURZBURG GERMANY. ON 6/21/2012, I FLEW TO AMERICA TO VISIT MY BROTHER DIRK WHO TOLD ME THAT HE AND I WERE GOING TO MARK CUBAN'S PRESTON HOLLOW MANSION OFF OF DELOACHE AVE TO WATCH GAME 5 OF THE NBA FINALS, HEAT V. THUNDER. AT 7PM, ME & DIRK ARRIVED AT CUBAN'S MANSION. CUBAN TOOK US TO THE ENTERTAINMENT ROOM AND WE WERE WATCHING THE GAME, AT HALF TIME MY BROTHER DIRK GOT UP AND LEFT THE ROOM TO GO TO THE KITCHEN TO MAKE SOME NACHO'S. I WAS LEFT ALONE IN THE ROOM WITH CUBAN. CUBAN WAS INTOXICATED FROM MILLER LIGHT, HE DRANK 6 BEERS FROM THE BEGINNING OF THE GAME TO HALF TIME, HIS SPEECH WAS SLURRED, AND HE WAS STUMBLING AROUND. WHEN DIRK LEFT, MARK CUBAN CAME OVER TO ME AND PUT HIS ARM AROUND MY SHOULDER AND STARTING KISSING ME ON MY NECK. I SAID "WHOA CUBAN" " I'M STRAIGHT DUDE, I'M JUST HERE TO WATCH THE GAME" CUBAN THEN SAID " YOU KNOW YOU WANT ME" AND " I CAN BE YOUR SUGAR DADDY" AND HE PUT HIS TOUNGE IN MY EAR AND PUT HIS HANDS DOWN MY PANTS. I JUMPED UP HUMILIATED AND TOLD HIM I'M NOT GAY, CUBAN THEN SAID I'M JUST LIKE THE REST OF THEM, AND I SAID "WHO" AND HE SAID " BARACK OBAMA" AND I SAID "WHAT DO YOU MEAN", AND THEN CUBAN STARTING YELLING AT ME IN A DRUNKEN RAGE, SAYING I DON'T BELONG IN THIS COUNTRY LIKE BARACK OBAMA. I SAID "WHAT DO YOU MEAN". CUBAN TOLD ME WHEN CUBAN WAS AT THE WHITE HOUSE AFTER THE MAVERICKS WON THE CHAMPIONSHIP TO MEET THE PRESIDENT, CUBAN AND

ERICKS WON THE CHAMPIONSHIP TO MEET THE PRESIDENT, CUBAN AND BARACK WENT INTO THE OVAL OFFICE AND CUBAN TOLD ME THAT BARACK TOLD CUBAN THAT HE WAS NOT A U.S. CITIZEN , BUT IN FACT BORN IN KENYA, AND THEN CUBAN POINTED AT ME WITH A MILLER IN HIS HAND AND SAID " YOU DONT DESERVE TO BE IN THIS COUNTRY" AND SAID " YOU PEOPLE KILLED MY FAMILY IN AUCHOWITZ" AND SCREAMED AT ME " YOU GERMANS KILLED JEWS" AND CALLED ME A HOLOCAUST SYMPATHIZER AND THEN THREW THE MILLER LIGHT AT MY HEAD, WHICH HIT MY TEMPLE AND I STAGGERED BACK , FELL TO THE FLOOR , AND CUBAN JUMPED ON TOP OF ME, PUT HIS HANDS AROUND MY NECK AND STRATED CHOKING ME AND HE SLAPPED ME. I BEGGED FOR HIM TO GET OFF, AND HE WAS ON TOP OF ME FOR 2 MINUTES AND GOT UP, TOLD ME TO CLEAN MYSELF UP , AND GAVE ME A STERN WARNING SAYING" IF YOU TELL ANYONE ABOUT THIS INCIDENT, I WILL CUT DIRK FROM THE TEAM, HE WILL BE JOBLESS, I WILL AMENSTY HIS CONTRACT" " DO YOU UNDERSTAND ME" AND POINTED AT MY FACE, AND TOLD ME HE GOT ALL THE MONEY IN THE WORLD TO HUNT ME DOWN LIKE A DOG IN GERMANY, AND FURTHER SAID " PAYBACK ,ALSO FOR WHAT YOU PEOPLE DID TO MY FAMILY. I WAS SHOCKED, SCARED , HUMILIATED, AND BY THEN DIRK CAME BACK IN THE ROOM WITH NACHOS, BUT I WAS TOO SCARED TO TELL HIM , WE WATCHED THE GAME, AND I LEFT. NOW I'M AT THE GERMAN EMBASSY IN WASHINGTON SCARED FOR MY LIFE, I FEAR CUBAN WILL ASSUALT ME AGAIN. I SEEK A RESTRAINING ORDER.

RESPECTFULLY,

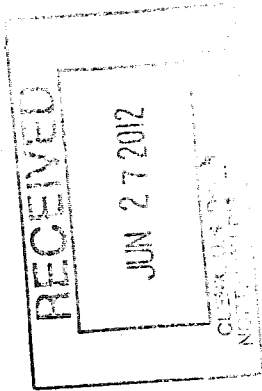


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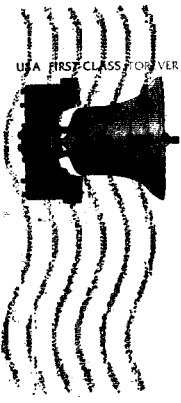
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Jonathan Nowitzki  
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3-12CV2049-M



U.S. District Court in Dallas  
United States Courthouse  
Clerk of Court  
1100 Commerce St.  
Dallas, Texas 75202



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